

MOGALE CITY TREE MANAGEMENT AND CONSERVATION POLICY

1. OBJECTIVES OF POLICIES

In the execution of these policies, the Parks section wishes to accomplish the following:

- To protect and preserve park and street trees
- To protect and preserve indigenous vegetation, to maintain its natural state and to promote its sustainability.
- To promote the planting of suitable-and especially of indigenous-trees on public and private property
- To inform and educate the community about the value of trees and to discourage arboricide (vandalism of trees).
- To ensure that Mogale City will develop into a green city, rich with trees and natural vegetation.
- To identify problematic plants and to ensure its removal and control.
- To protect water catchment areas from invader trees.
- And to replace all trees that are removed.

These policies should support the Parks Section's mission statement to ensure that associated goals be achieved. The policies should be considered as an important information system, which will support management in objective decision-making. And most importantly, it must be understood that these policies should be supportive of community needs and development.

2. PROCEDURE FOR TREE REMOVAL REQUESTS

All members of the public, companies, organisations and including the directorates of the Council and individual Councillors will follow the procedure for tree removal as set under this item.

If a person (corporate or individual) wishes the Council to remove a tree/s, he/she would be requested to follow the following procedure:

- 2.1. Write a letter in which he/she states which tree/s should be removed, what the reason for the request is. This letter should be directed to the Assistant Director of Parks.
- 2.2. The horticulturist responsible for tree removal will investigate the request and will decide whether the tree/s should be removed or not. His decision will be guided by this tree protection policy.
- 2.3. The person will be informed in writing about the Councils decision and about the costs involved, if any.

3. CONDITIONS FOR TREE REMOVAL AND REMOVAL COSTS

3.1. Trees will be removed under the following conditions:

- 3.1.1. If the tree is dead or in the process of dying due to natural causes and for this reason proves to be dangerous to its surroundings.
- 3.1.2. If the tree has been struck by lightning and proves to be dangerous to its surroundings.
- 3.1.3. If the tree has any structural defects in the main stem due to fire, bacterial or fungal disease or due to any accident, and for this reason proves to be dangerous to its surroundings.
- 3.1.4. If the tree is a declared problematic tree (refer section 5)
- 3.1.5. If the tree is hazardous to traffic and could not be corrected by pruning.
- 3.1.6. If the Council have decided via council resolution that the (any) trees be removed.
- 3.1.7. If the tree is in the way of Municipal development such as roads, storm water or power lines. This is only if all cost effective and practical alternatives have been evaluated which could preserve the tree/s
- 3.1.8. If the tree is causing extensive damage to roads, buildings, dams or walls, and if damage is more than replacement and removal costs.
- 3.1.9. If the tree is threatening to fall over.

Trees will be removed free of charge if the above mentioned conditions apply

3.2. A removal fee will be charged under the following circumstances:

- 3.2.1. If the tree needs to be removed because of a proposed entrance to a property; new or additional parking; changes to the tree's environment; pedestrian walkway or any sort of building or development in the position of the existing tree/s.
- 3.2.2. If the tree needs to be removed because of underground development such as power lines, sewer lines, water lines or communication lines.
- 3.2.3. If the tree needs to be removed because of damage to it caused by
 - 3.2.3.1. negligent or intentional poisoning of a tree
 - 3.2.3.2. vehicle collision
 - 3.2.3.3. vehicles/equipment moving or working in the vicinity of the tree/s

The following fees are payable if section 3.2 is applicable:

- 3.2.4. R18.00 per cm of wood up to a stem diameter of 20cm
- 3.2.5. R40.00 per cm of wood up to a stem diameter of 21-30cm
- 3.2.6. R90.00 per cm of wood up to a stem diameter of 31-50cm
- 3.2.7. R200.00 per cm of wood above a stem diameter of 51cm

The removal fee is calculated by the removal cost, penalty for removal and a tree valuation system calculated by the tree's age and size.

On request for removal the Parks Department will follow the normal investigation and administrative procedure. If 3.2 is applicable, a quotation will be sent to the requester. If he/she accepts, the total amount is then payable at the Town Treasurer after which the invoice must be presented at the Parks Department's main offices. The tree/s will be removed.

If the requester doesn't accept, the tree will not be removed. The requester will not be allowed to remove the trees on own accord. The Council will remain entirely responsible for the tree's removal, or not.

A further discount of 1-80% can be given, dependant on the condition of the tree and it's life expectancy. Removal expenses normally consists of between 40% and 50% of the quoted price, but where the tree is in a poor condition which means a lower leaf density and dead branches, less weight and bulk needs to be removed which makes a discount of up to 80% possible.

4. UNACCEPTABLE REASONS FOR TREE REMOVAL

Trees will not be removed for the following reasons, although a combination of these factors might be considered, but in such a case it is likely that the tree that causes the problem is already a declared problematic tree. Therefore, if a tree is not a problematic tree, these reasons should be considered unreasonable.

- Trees that are dropping their leaves
- Trees that are dropping fruits and flowers
- Trees that are old
- Trees that are over shading an area or buildings
- Trees that are dripping/excreting glue, pollen or any natural substance. In the case where a person is suffering an allergy, presumed that it is caused by any part or excretion of the tree, such person would be requested to submit at least two medical reports from two different medical practitioners whereby it is recommended that the tree/s be removed as a remedy.
- Trees that are sick
- Trees that are naturally growing skew (excluding trees that are in the process of falling over and/or threatens to do so
- Trees that are poisoned and damaged. Trees will only be removed when the tree is completely dead unless it proves to be dangerous to its surroundings

In all of these cases the request for tree removal will be investigated thoroughly and with due respect. It is in many cases, though, the objectivity and the discretion of the inspector to determine whether the request for tree removal is unreasonable, based on the information obtained from the inspection.

5. PROBLEM TREE POLICY

All trees declared as invaders by the Conservation of Agricultural resources Act, Act 43 of 1983 and its amendments, receive no protection from Council. These trees must be removed over time and be replaced by indigenous trees.

Council may add certain tree species to the list of problematic trees if the nature of the tree warrants such action. This must be preceded by a report from the parks section in which such a declaration is recommended.

6. PROTECTION STATUS OF FLORA AND FAUNA

6.1. Landmark trees

The Parks Section shall identify trees that will be protected from development and that will receive monumental status. These trees will be identified and placed on a Landmark tree data list, which will be submitted to council.

The following conditions will ensure monumental status for a tree/s:

- A tree that was planted by a celebrity for example the Mayor, a Minister, State President or a non-political figure.
- A rare and unique tree specimen
- A tree with historical significance
- Uniquely large and old trees in the landscape
- A protected indigenous tree specie (for example Cycad species)
- An internationally protected tree specie (for example the Dutch elm).
- Tree avenues that is very old and unique.

6.2. Natural vegetation protection policy.

Indigenous fauna and flora is continually under pressure from encroaching development and invading exotic plant species. It is the responsibility of Council to ensure that development takes place with as little impact as possible on the environment and that ecologically sensitive areas are protected. Especially vegetation that acts as a buffer zone in a particular ecosystem, referring specifically to indigenous riverine, aquatic and wetland vegetation (r.a.w. zones hereafter); grassland areas, ridge areas and important water catchment areas.

Riverine vegetation refers to the typical forest areas near water where trees such as *Celtis africana*, *Halleria lucida*, *Combretum erythrophyllum*, *Rothmania capensis* and *Ilex mitis* occur. Aquatic vegetation refers to plants that grow directly on the watercourse embankment and in (or under) the water such as sedge grasses, indigenous reeds water lilies etc. Wetland vegetation refers to grasses, shrubs and herbaceous plants such as sedges, juncus, sagewood and bulrush that grow within the wetland.

No development will be allowed in these r.a.w. zones without the compilation of a Environmental impact assessment (E.I.A.) by a independent Environmental consultant. Development in this context includes roads, pedestrian walkways, bridges, buildings, sewer pipes, water pipes, electrical and communication lines. None of these trees may be removed or disturbed without the approval of the Environmental manager (EM) of the council. The rehabilitation program should be to the satisfaction of the EM. If the development is approved, then the parks section and National Botanical Institute (NBI) should have the opportunity to collect endangered plant material from the site before development commences. A properly researched rehabilitation program, which includes the control of invader plants in disturbed areas for a minimum period of five years after development, must be submitted to the EM for approval.

Grassland areas may not have too many trees but there are still plants in these areas that receives protection status. These plants refer mainly to some bulbous and pseudo-bulbous plants such as *Boophane stricta* and all the orchid species. Grasslands should be investigated for the presence of these plants. If high concentrations of these plants occur in an area it should receive protection status from development in order to protect these declining habitats. An EIA is also required for development in these vegetation types. A properly researched rehabilitation program, which includes the control of invader plants in disturbed areas for a minimum period of five years after development, must be submitted to the EM for approval. This applies to both the Directorate of Technical Services and private property developers.

The destruction of ridge ecology such as the Rangeview x4 development should be avoided in future. These areas are very sensitive and also have presents unique vegetation types. A comprehensive EIA will be required before development is approved as well as a properly researched rehabilitation program, which includes the control of invader plants in disturbed areas for a minimum period of five years after development. This applies to both the Directorate of Technical Services and private property developers. No development will be permitted within 20m from *Protea roupelliae subsp.. roupelliae* populations since this protea specie is endangered.

All water catchment areas must be kept clear of invader trees such as Bluegums and Blackwattles. The same rule applies to the r.a.w. zones. This objective is in line with the Department of Forestry and Water Affair's 'work for water' project. If the EM is of the opinion that invader plants on a private property is having a negative impact on a watercourse, then such owner will be ordered to control the aforementioned trees within a reasonable time period to the satisfaction of the EM.

The Council or relevant state department will remove the trees the first time. After this, the property owner will be responsible to control the trees. The EM and property owner should establish a date on which tree removal can start and the means of control after the project is finished. The council or relevant state department should supply the owner with the chemicals to control the trees after wards.

7. APPLICATION FOR TREE PRUNING

Trees will be pruned on any telephonic, personal or written request.

8. TREE PRUNING POLICY AND STANDARDS

Deciduous trees are mainly pruned when they are dormant. This starts during May, which is autumn until August, which is late winter, to spring. During this time the trees can be pruned in its usual round shape. During the growing season they will only be pruned lightly when requested, this is, some of the lower branches removed and some branches thinned out. Trees in this category are:

- *Acer buergerianum*
- *Fraxinus spp*
- *Quercus spp* (Most oak tree species)
- *Plantanus acerifolia*
- *Ulmus parvifolia*
- *Jacaranda mimosifolia*
- *Robinia pseudoacacia var. hispida*

The following trees will not be pruned in a round shape or their growth be restricted by pruning, because of their growth habit and their sensitivity to pruning. They will only be pruned as such if they are growing through power lines.

- *Celtis africana, Celtis sinenses and Celtis australis*
- *Acer pseudoplatanus*
- *Quercus reticulata and Quercus palustris*
- *Cedrus spp*
- *Acer negundo*
- *Ulmus americana*
- *Combretum erythrophyllum*
- *Salix babylonica*
- *Any cypress or coniferous tree*
- *Most evergreen trees*

The following conditions and standards are set in the policy:

- Any trees that are not growing under power lines and that was never pruned in the round shape, will not be pruned as such.
- Trees may only be pruned according to Arboricultural standards
- Any low hanging branches of any tree may be removed
- Any branch of any tree which is causing damage to surrounding structures may be removed
- Any branch of any tree which is restricting traffic signs or vision, may be removed

- Any pruning of any Council tree will only be done or ordered by the Parks Section. The method of pruning will be decided upon by the Parks Department and no other party unless so appointed by Council
- Branch in this context means a secondary or tertiary structure growing from the main stem that is not thicker than half the average diameter of the main stem.
- Problematic trees will not be maintained or pruned but rather be removed (refer section 5)

9. APPLICATION FOR STREET TREES

- An application for the planting of street trees on the requester's pavement will be accepted telephonically, personally or in writing.
- The area for tree planting will be investigated to determine the most appropriate tree type, quantity and the position of the trees. The procedure, in letterform, will be delivered at the requesters address.
- The tree holes will be marked separately in a conspicuous manner.
- It is the requester's responsibility to dig the holes and to plant the trees.
- The trees will be delivered when the holes are finished.

These trees remain the property of the Council and may not be removed or pruned without Council permission. The Parks Department can only supply trees that are in stock and cannot adhere to special requests.

9.1. Privately planted trees

- Trees are privately planted in this context when a private individual buys any tree without consulting with the council, and plants it on the pavement or open space belonging to the Council.
- Such trees/shrubs, when it has taken root, will be considered as property of the council since it becomes part of the immovable property on Council land.
- The Council maintains the right to request the planter of the trees/shrubs to remove it, if it proves to be unsuitably planted - causing a traffic, pedestrian, health or an environmental hazard - and if the planter refuses to co-operate such trees/shrubs will be removed without any further notice.
- In the case where problematic or permissible problematic trees have been planted privately, the parks department will agree to remove it if so requested or if section 5 applies

10. VIOLATION OF THESE POLICIES

- 10.1. Local authorities own all moveable and immovable property acquired for the purpose of and in the course of the exercise of their statutory powers, duties and functions and are responsible for its proper central, care and maintenance (page 327 par 507 Law SA 15) This includes public places defined as road, street, thoroughfare, side walk, lane, square, open spaces. (Page 317, par 491 Law SA 15)

- 10.2. In Law corporal things include immovable things, which are defined as land together with buildings, trees, plants and crops so long as these are not severed from the land. (Page 3 Law of Property, Family Relations and successions, RW Lee)
- 10.3. The Council maintains the right not to be disturbed in its ownership of the said property (trees or plants). (Smith V Basson 1978 (1) 559 (E). The trees forms part of the immovable property of the Council and is managed according to its own set standards within bounds of Law SA 15 par 507.
- 10.4. In the case where a tree was killed, damaged beyond recover or removed without Council's permission the Council will and may recover it's value from the person responsible for the loss of a/the tree/s. The value of the tree/s will be calculated according to section 3.3 of this policy.
- 10.5. The Council will claim for damages in the following cases:
 - 10.5.1. Damage to or removal of Council trees during construction at any site without prior approval from the Parks Section.
 - 10.5.2. Damage to Council trees because of any intentional or negligent spillage of any chemical or the usage of chemical/s in the fascinate of the tree/s
 - 10.5.3. Damage or removal of Council trees during a vehicle collision as applicable to any other Council structure/property.
 - 10.5.4. Intentional/negligent damage or removal of Council trees without Council's permission, by any person.
 - 10.5.5. The prosecuting procedure:
- 10.6. In the case where Council trees were damaged, by whatever means, the party responsible will be summoned for the removal and replacement cost (refer section 3.3). If the party refuses to remunerate the Council or if the party responsible for the damage is unknown the case will be reported at the South African Police Services for further investigation and prosecution.
- 10.7. Concerning the protection of trees and any other indigenous plants in natural areas. The Council may act upon and exercise existing Environmental Conservation Laws, which protects indigenous Fauna and Flora.